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PTO/SB/21 (09-04)

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3762

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

08/843,711

Filing Date

April 16, 1997

First Named Inventor

Celso S.J. Bagaoisan

Art Unit

3762

Examiner Name

Sharon E. Kennedy

Attorney Docket Number

ACSC-59868 (0848RE)

**ENCLOSURES (Check all that apply)**

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment / Reply
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
- ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) \_\_\_\_\_
- ☐ Landscape Table on CD

- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify below):

1. Petition To Withdraw The Holding of Abandonment

2. Postcard

Remarks

CUSTOMER NO. 24201

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

FULWIDER PATTON LLP

Signature

Printed name

GUNTHER O. HANKE

Date

JUNE 9, 2006

Reg. No.

32,989

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GUNTHER O. HANKE

Date

JUNE 9, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Gunther O. Hanke, Reg. No. 32,989

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 08/843,711 Confirmation No. 6568  
Applicant : Celso S.J. Bagaoisan et al.  
Filed : April 16, 1997  
Art Unit : 3762  
Examiner : Sharon E. Kennedy  
  
Docket No.: : ACSC 59868 (0848RE)  
Customer No. : 24201

Mail Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Date: June 9, 2006

**PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT  
UNDER 37 CFR 1.181**

Dear Sir:

This paper is responsive to the Notice of Abandonment mailed May 26, 2006. Applicants hereby petition the Commissioner to withdraw its holding of abandonment of the above-identified patent application for failure to timely file a proper reply to the Office Action letter mailed on November 1, 2005.

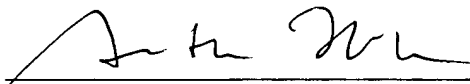
Applicants' response to the Office Action was timely made on December 29, 2005, as witnessed by the attached copies of the filed documentation and proof of initial mailing (including Patent Office Acknowledgement of Receipt on Postcard). This Response was filed in answer to the Office Action (mailed by the Patent Office on November 1, 2005).

Enclosed is a copy of the Response as timely mailed and was responsive to the Office communications. The abandonment of this application, therefore, is in error and Applicants respectfully request that this application be revived and abandonment be rescinded.

No fees are due with this communication. However, if a fee is in fact due, the Commissioner is authorized to charge our Deposit Account No. 06-2425. **A duplicate of this letter is enclosed.**

Respectfully submitted,

FULWIDER PATTON LLP

By:   
Günther O. Hanke  
Registration No. 32,989

GOH/lm

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Customer No. 24201  
128888.1

This page can be found on the web at the following url:  
<http://www.opm.gov/fedhol/2006.asp>

# Office of Personnel Management

The Federal Government's Human Resources Agency

*Working for America*

## 2006 Federal Holidays

Federal law (5 U.S.C. 6103) establishes the following public holidays for Federal employees. Please note that most Federal employees work on a Monday through Friday schedule. For these employees, when a holiday falls on a nonworkday -- Saturday or Sunday -- the holiday usually is observed on Monday (if the holiday falls on Sunday) or Friday (if the holiday falls on Saturday).

### Monday, January 2\*

Monday, January 16

Monday, February 20\*\*

Monday, May 29

Tuesday, July 4

Monday, September 4

Monday, October 9

Friday, November 10\*\*\*

Thursday, November 23

Monday, December 25

### New Year's Day

Birthday of Martin Luther King, Jr.

Washington's Birthday

Memorial Day

Independence Day

Labor Day

Columbus Day

Veterans Day

Thanksgiving Day

Christmas Day

*\* January 1, 2006, (the legal public holiday for New Year's Day) falls on a Sunday. For most Federal employees, Monday January 2, will be treated as a holiday for pay and leave purposes. (See Executive Order 11582 of February 11, 1971.)*

*\*\* This holiday is designated as "Washington's Birthday" in section 6103(a) of title 5 of the United States Code, which is the law that specifies holidays for Federal employees. Though other institutions such as state and local governments and private businesses may use other names, it is our policy to always refer to holidays by the names designated in the law.*


*\*\*\* November 11, 2006, (the legal public holiday for Veteran's Day) falls on a Saturday. For most Federal employees, Friday November 10, will be treated as a holiday for pay and leave purposes (See 5 U.S.C. 6103 (b).)*

**Federal Holidays Home Page**

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Office of Personnel Management

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**Client ID/Matter No.:** ACSC 59868 (0848RE)

**Date Mailed:** December 29, 2005

**Date Due:** January 1, 2006

**Applicant:** Celso S.J. Bagaoisan, et al.

U.S. Utility Application

Serial No.: 08/843,711

Filing Date.: April 16, 1997

**Title:** INTRAVASCULAR CATHETER WITH REPLACEABLE  
SHAFT SECTION

**Documents enclosed:**

1. Transmittal (PTO/SB/21)
2. Response

The U.S. Patent and Trademark Office Mail Room stamp hereon acknowledges receipt of the items indicated above on the date shown.

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**Client ID/Matter No.:** ACSC 59868 (0848RE)

**Date Mailed:** December 29, 2005

**Date Due:** January 1, 2006

**Applicant:** Celso S.J. Bagaoisan, et al.

U.S. Utility Application

Serial No.: 08/843,711

Filing Date.: April 16, 1997

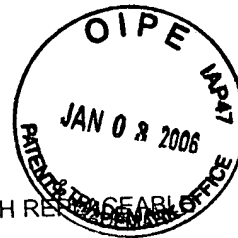
**Title:** INTRAVASCULAR CATHETER WITH REPLACEABLE  
SHAFT SECTION

**Documents enclosed:**

1. Transmittal (PTO/SB/21)
2. Response

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Doc Code:

PTO/SB/21 (09-04)  
Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	08/843,711	
	Filing Date	4/16/1997	
	First Named Inventor	Celso S.J. Bagaoisan	
	Art Unit	3762	
	Examiner Name	Sharon E. Kennedy	
Total Number of Pages in This Submission	14	Attorney Docket Number	ACSC 59868 (0848RE)

ENCLOSURES (Check all that apply)		
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<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	CUSTOMER NO. 24201
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	FULWIDER PATTON LLP	
Signature		
Printed name	Gunther O. Hanke	
Date	December 29, 2005	Reg. No. 32,989

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Signature			
Typed or printed name	Gunther O. Hanke	Date	December 29, 2005

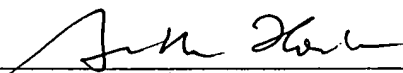
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Gunther O. Hanke, Reg. No. 32,989

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of Bagaoisan et al.

Patent No. : 5,498,240  
Issued : September 10, 1996

Appln. No. : 08/843,711 Confirmation No. 6568  
Applicant : Celso S.J. Bagaoisan et al.  
Filed : April 16, 1997  
Art Unit : 3762  
Examiner : Kennedy, Sharon E.  
Title : INTRAVASCULAR CATHETER WITH REPLACEABLE  
SHAFT SECTION

Docket No.: : ACSC 59868 (0848RE) Los Angeles, California  
Customer No. : 24201 December 29, 2005

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE

Dear Sir:

This Response is responsive to the Office Action of November 1, 2005, the response for which is due January 1, 2006.

Amendments to the claims are reflected in the listing of the claims that begins on page 2.

Remarks begin on page 13.



**AMENDMENTS TO THE CLAIMS:**

1. (Amended) An intravascular catheter with an exchangeable shaft section, comprising:

a) elongated tubular proximal shaft section having proximal and distal ends and a first inner lumen extending therein;

b) an elongated distal shaft section having proximal and distal ends, a port in the distal end of the distal shaft section, a second inner lumen extending therein in fluid communication with the first inner lumen in the proximal shaft section and a third inner lumen which is configured to slidably receive a guidewire and which extends therein to the port in the distal end of the distal shaft section[; and], the distal end of the proximal shaft section being releasably connected to the proximal end of the distal shaft section to effect fluid communication between the first and second inner lumens; and

c) [means to releasably interconnect the distal end of the proximal shaft section and the proximal end of the distal shaft section to effect fluid communication between the first and second inner lumens] an inflatable balloon provided on the distal shaft section, having an interior in fluid communication with the second inner lumen in the distal section.

2. (Cancelled)

3. (Amended) The intravascular catheter of claim 1 [wherein the connector means includes] including male threads on an end of one of the shaft sections and female threads on a mating end of the other shaft section which are configured to threadably engage the male threads.

5. (Amended) The intravascular catheter of claim [2] 1 wherein means are provided on the proximal end of the proximal section for directing fluid through the first

inner lumen extending therein and the second inner lumen in the distal section into the interior of the balloon.

6. (Amended) A [dilatation] catheter with an exchangeable shaft section, comprising:

a) an elongated proximal shaft section having proximal and distal ends and an first inner lumen extending therein to the distal end;

b) an elongated distal shaft section having proximal and distal ends, a second inner lumen extending from the proximal end of the distal shaft section to a location spaced proximally from the distal end of the distal shaft section, a distal port in the distal end, a third inner lumen extending therein to and being in fluid communication with the distal port and being coextensive and parallel with at least part of the second inner lumen;

c) [means to releasably connect] the distal end of the proximal shaft section being releasably connected to the proximal end of the distal shaft section to effect fluid communication between the first inner lumen of the proximal shaft section and the second inner lumen of the distal shaft section; and

d) an inflatable [dilatation] balloon on the distal shaft section having an interior in fluid communication with the second inner lumen.

7. (Amended) The [dilatation] catheter of claim 6 [wherein the connecting means include] including male threads on an end of one of the shaft sections and matching female threads on a mating end of the other shaft section.

8. (Amended) The [dilatation] catheter of claim 7 wherein the proximal shaft section includes inner and outer tubular members, the distal shaft section includes inner and outer tubular members and the [threaded connection means] threads are on mating ends of the inner tubular members of the proximal and distal shaft sections.

9. (Amended) The [dilatation] catheter of claim 7 wherein the proximal shaft section includes inner and outer tubular members, the distal shaft section includes inner and outer tubular members and the [threaded connection means] threads are on mating ends of the outer tubular members of the proximal and distal shaft sections.

12. (Amended) A method of treating a patient's body lumen, comprising:

- a) providing an intraluminal catheter which has an elongated catheter shaft, a proximal shaft section, a replaceable distal shaft section [and means to] releasably [connect the replaceable distal section with] connected to the proximal shaft section;
- b) advancing the intraluminal catheter through a patient's body lumen until the catheter is disposed within a desired region thereof;
- c) performing an intraluminal procedure within body lumen with the intraluminal catheter;
- d) withdrawing the intraluminal catheter from the patient;
- e) removing the replaceable distal shaft section of the intraluminal catheter;
- f) connecting a replacement distal shaft section to the proximal shaft section; and
- g) advancing the intraluminal catheter with the replacement distal shaft section into the patient's body lumen until the intraluminal catheter is disposed within a desired region of the patient's body lumen.

13. (Amended) A method of treating a patient's body lumen, comprising:

- a) providing a dilatation catheter which has an elongated catheter shaft, a replaceable distal shaft section, a dilatation balloon on the replaceable distal shaft section, and a proximal shaft portion [and means to connect the proximal and] releasably connected to the distal shaft [sections] section;
- b) advancing the dilatation catheter through the patient's vasculature until the dilatation balloon is disposed within a stenotic region of a patient's artery;

- c) withdrawing the dilatation catheter from the patient;
- d) removing the replaceable distal shaft section of the catheter; and
- e) connecting a replacement distal shaft section to the proximal shaft section; and advancing the catheter with the replacement distal shaft section into the patient's vasculature until the catheter is disposed within a desired region of the patient's vasculature.

24-32. (cancelled)

The status of all patent claims and all added claims is presented in the following pages pursuant to 37 CFR 1.173(c), with the claims presented in clean format inclusive of the amendments presented above.

**STATUS OF CLAIMS AS AMENDED:**

1. (Pending) An intravascular catheter with an exchangeable shaft section, comprising:
  - a) elongated tubular proximal shaft section having proximal and distal ends and a first inner lumen extending therein;
  - b) an elongated distal shaft section having proximal and distal ends, a port in the distal end of the distal shaft section, a second inner lumen extending therein in fluid communication with the first inner lumen in the proximal shaft section and a third inner lumen which is configured to slidably receive a guidewire and which extends therein to the port in the distal end of the distal shaft section, the distal end of the proximal shaft section being releasably connected to the proximal end of the distal shaft section to effect fluid communication between the first and second inner lumens; and
  - c) an inflatable balloon provided on the distal shaft section, having an interior in fluid communication with the second inner lumen in the distal section.
2. (Canceled)
3. (Pending) The intravascular catheter of claim 1 including male threads on an end of one of the shaft sections and female threads on a mating end of the other shaft section which are configured to threadably engage the male threads.

4. (Pending) The intravascular catheter of claim 1 wherein the tubular proximal shaft section includes an inner tubular member disposed therein which has a fourth inner lumen which is configured to slidably receive a guidewire therein and which is in communication with the third inner lumen in the distal shaft section.

5. (Pending) The intravascular catheter of claim 1 wherein means are provided on the proximal end of the proximal section for directing fluid through the first inner lumen extending therein and the second inner lumen in the distal section into the interior of the balloon.

6. (Pending) A catheter with an exchangeable shaft section, comprising:
- a) an elongated proximal shaft section having proximal and distal ends and an first inner lumen extending therein to the distal end;
  - b) an elongated distal shaft section having proximal and distal ends, a second inner lumen extending from the proximal end of the distal shaft section to a location spaced proximally from the distal end of the distal shaft section, a distal port in the distal end, a third inner lumen extending therein to and being in fluid communication with the distal port and being coextensive and parallel with at least part of the second inner lumen;
  - c) the distal end of the proximal shaft section being releasably connected to the proximal end of the distal shaft section to effect fluid communication between the first inner lumen of the proximal shaft section and the second inner lumen of the distal shaft section; and
  - d) an inflatable balloon on the distal shaft section having an interior in fluid communication with the second inner lumen.

7. (Pending) The catheter of claim 6 including male threads on an end of one of the shaft sections and matching female threads on a mating end of the other shaft section.

8. (Pending) The catheter of claim 7 wherein the proximal shaft section includes inner and outer tubular members, the distal shaft section includes inner and outer tubular members and the threads are on mating ends of the inner tubular members of the proximal and distal shaft sections.

9. (Pending) The catheter of claim 7 wherein the proximal shaft section includes inner and outer tubular members, the distal shaft section includes inner and outer tubular members and the threads are on mating ends of the outer tubular members of the proximal and distal shaft sections.

10. (Pending) A balloon catheter with an exchangeable shaft section, comprising:

a) an elongated proximal shaft section having proximal and distal ends and an first inner lumen extending therein to the distal end;

b) an elongated distal shaft section having proximal and distal ends, a second inner lumen extending from the proximal end of the distal shaft section to a location spaced proximally from the distal end of the distal shaft section, a distal port in the distal end of the distal shaft section, a third inner lumen extending within the distal shaft section to the distal port and a third inner lumen extending therein coextensive and parallel with at least part of the second inner lumen and being in fluid communication with the distal port;

c) means to releasably connect the distal end of the proximal shaft section and the proximal end of the distal shaft section to effect fluid communication between the first inner lumen of the proximal shaft section and the second inner lumen of the distal shaft section; and

d) an inflatable balloon on the distal shaft section having an interior in fluid communication with the second inner lumen.

11. (Pending) The balloon catheter of claim 10 including an expandable stent which is mounted about the inflatable balloon in an uninflated condition and which is configured to expand upon the inflation of the balloon.

12. (Pending) A method of treating a patient's body lumen, comprising:

- a) providing an intraluminal catheter which has an elongated catheter shaft, a proximal shaft section, a replaceable distal shaft section releasably connected to the proximal shaft section;
- b) advancing the intraluminal catheter through a patient's body lumen until the catheter is disposed within a desired region thereof;
- c) performing an intraluminal procedure within body lumen with the intraluminal catheter;
- d) withdrawing the intraluminal catheter from the patient;
- e) removing the replaceable distal shaft section of the intraluminal catheter;
- f) connecting a replacement distal shaft section to the proximal shaft section; and
- g) advancing the intraluminal catheter with the replacement distal shaft section into the patient's body lumen until the intraluminal catheter is disposed within a desired region of the patient's body lumen.

13. (Pending) A method of treating a patient's body lumen, comprising:

- a) providing a dilatation catheter which has an elongated catheter shaft, a replaceable distal shaft section, a dilatation balloon on the replaceable distal shaft section, and a proximal shaft portion releasably connected to the distal shaft section;
- b) advancing the dilatation catheter through the patient's vasculature until the dilatation balloon is disposed within a stenotic region of a patient's artery;
- c) withdrawing the dilatation catheter from the patient;
- d) removing the replaceable distal shaft section of the catheter; and



e) connecting a replacement distal shaft section to the proximal shaft section; and advancing the catheter with the replacement distal shaft section into the patient's vasculature until the catheter is disposed within a desired region of the patient's vasculature.

14. (Pending) The method of claim 13 wherein the replacement distal shaft section has an inflatable balloon with an expandable stent mounted about the inflatable balloon and when the inflatable balloon and stent mounted thereon are disposed within the desired region of the patient's vasculature, inflating the balloon to expand the stent within the desired region of the vasculature and then deflating the balloon so that the catheter can be removed, leaving the expanded stent within the patient's vasculature.

15. (Pending) A dilatation catheter comprising:

a) an elongated catheter shaft having proximal and distal ends, a guidewire port in the distal end, a guidewire receiving inner lumen extending to and being in fluid communication with the guidewire port and an inflation lumen extending to location proximal to the distal end;

b) a proximal shaft section having proximal and distal ends and at least part of the inflation lumen extending therein to the distal end of the proximal shaft section; and

c) a replaceable distal shaft section having a proximal end, being releaseably connected by said proximal end of the distal shaft section to the distal end of the proximal shaft section, at least part of the inflation lumen extending within the distal shaft section distally therein from the proximal end of the distal shaft section to the location proximal to the distal end of the catheter shaft; and

d) a dilatation balloon on the distal shaft section surrounding the location having an interior in fluid communication with the portion of the inflation lumen extending within the distal shaft section.

16. (Pending) An intravascular catheter comprising:
- a) a proximal shaft section having a proximal end, a distal end and an inner lumen extending therein;
  - b) a distal shaft section having a proximal end, a distal end, a port in the distal end, a second inner lumen extending therein in fluid communication with the inner lumen of the proximal shaft section and a third inner lumen extending parallel and at least partially coextensive with the second inner lumen within the distal shaft section and in fluid communication with the port in the distal end of the distal shaft section; and
  - c) means to releasably connect the proximal end to the distal shaft section to the distal end of the proximal shaft section.

17. (Pending) The intravascular catheter of claim 16 wherein the distal shaft section is releasably connected to the proximal shaft section by means of interconnecting threads on the distal end of the proximal shaft section and on the proximal end of the distal shaft section.

18. (Pending) The intravascular catheter of claim 17 wherein the threads on the distal end of the proximal shaft section are male threads and the mating threads on the proximal end of the distal section are female threads.

19. (Pending) The intravascular catheter of claim 17 wherein the proximal section is a metallic tube.

20. (Pending) The intravascular catheter of claim 19 wherein the metallic proximal shaft section has male threads on the distal end thereof.

21. (Pending) The intravascular catheter of claim 17 wherein the means to releasably connect the proximal end of the distal shaft section to the distal end of the proximal shaft section includes an intermediate tubular element which has proximal and distal ends, threads on at least one of said ends which match the threads on the mating

end of one of the shaft sections with the other of said ends of the intermediate tubular element being secured to the mating end of the other shaft section.

22. (Pending) The intravascular catheter of claim 21 wherein threads are on the proximal end of the intermediate tubular element and the distal end of the proximal shaft section.

23. (Pending) The intravascular catheter of claim 21 wherein threads are on the distal end of the intermediate tubular element and the proximal end of the distal shaft section.

24-32. (Canceled)

REMARKS

Claims 1 and 3-23 are pending and are allowed.

In the aforesaid Office Action (responsive to the Amendment filed September 2, 2005), the Examiner states that the latest version of the claims is not in accordance with reissue practice, and therefore required a new copy of the claims.

Amendments to claims that were previously submitted, including in the September 2, 2005 Amendment (of claims 6-9), (and the December 16, 2004 Amendment of claims 1, 3, 5, 12 and 13), have been resubmitted in the proper format, pursuant to 37 C.F.R. 1.173(b)(2), as described in MPEP 1453. Pursuant to 37 CFR 1.173(c), a separate listing is provided of all patent claims and all added claims, showing the status (pending or canceled) of each claim as of the date of this Response.

In view of the foregoing, it is respectively urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at (310) 824-5555 to facilitate prosecution of this application, if necessary.

In light of the above amendments and remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

FULWIDER PATTON LLP

By:



Gunther O. Hanke

Registration No. 32,989

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